7		ī
1	Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)	
2	WATT, TIEDER, HOFFAR & FITZGERALD, L. 2040 Main Street, Suite 300	L.P.
3	Irvine, CA 92614	
4	Telephone: 949-852-6700 Facsimile: 949-261-0771 Email: jkearl@watttieder.com	
5	cholley@watttieder.com	
6	Attorneys for Creditor Barnard Pipeline, Inc.	
7	IMITED STATES	BANKRUPTCY COURT
8		CRICT OF CALIFORNIA
9		CISCO DIVISION
	,	
10	In re:	Bankruptcy Case Case No. 19-30088 (DM)
11	PG&E CORPORATION,	Chapter 11
12	-and-	(Lead Case) (Jointly Administered)
13	PACIFIC GAS AND ELECTRIC COMPANY,	,
14		
15	Debtors.  ☐ Affects PG&E Corporation	NOTICE OF CONTINUED PERFECTION
		OF MECHANICS LIEN PURSUANT TO 11
	☐ Affects Pacific Gas and Electric Company	U.S.C. § 546(b)(2)
17	☐ Affects both Debtors	Modoc County (Lien 20190000132)
18	* All papers shall be filed in the Lead Case, No. 19-30088 (DM)	
19		
20		
21	Barnard Pipeline, Inc. ("Barnard"), b	y and through its undersigned counsel, hereby gives
22	notice of continued perfection of its mechanic	es lien under 11 U.S.C. § 546(b)(2), as follows:
23	Barnard has provided and deli	vered labor, services, equipment, and/or materials for
24	the construction and improvements of project	s located in the County of Modoc, State of California
25		ich is set forth in the Claim of Mechanics Lien, a true
26	copy of which is attached hereto as Exhibit A	A (the "Mechanics Lien").
27		PG&E Corporation and/or Pacific Gas and Electric
28	Company (collectively, the "Debtors"), which	h filed voluntary petitions for relief under Chapter 11

HOFFAR & NOTICE OF CONTINUED PERFECTION OF MECHANICS LIEN
FITZGERALD, L.P.
ATTORNEYS AT L. Case: 19-30088 Doc# 1399 Filed: 04/15/19 Entered: 04/15/19 11:36:33 Page 1 of 20

of Title 11 of the United States Code (the "<u>Bankruptcy Code</u>") on January 29, 2019 (the "<u>Petition</u> <u>Date</u>").

- 3. On January 28, 2019, before the Petition Date, Barnard properly and timely recorded its Mechanics Lien under California Civil Code § 8400, *et seq.* in the Official Records of Modoc County, State of California.
- 4. Through January 28, 2019, the amount owing to Barnard subject to its Mechanics Lien is at least \$28,982.70, exclusive of accruing interest and other charges, and additional amounts which have continued and are continuing, to accrue after the Petition Date.
  - 5. California Civil Code § 8460(a) provides that:

The claimant shall commence an action to enforce a lien within 90 days after recordation of the claim of lien. If the claimant does not commence an action to enforce the lien within that time, the claim of lien expires and is unenforceable[.]

- 6. Pursuant to California Civil Code § 8460, an action to enforce a lien must be commenced within 90 days after recordation of the claim of lien. However, section 362 of the Bankruptcy Code automatically stays Barnard from filing a state court action to enforce its mechanics lien. See 11 U.S.C. § 362.
  - 7. Section 546(b)(2) of the Bankruptcy Code provides that when applicable law

... requires seizure of such property or commencement of an action to accomplish such perfection, or maintenance or continuation of perfection of an interest in property; and ... such property has not been seized or such an action has not been commenced before the date of the filing of the petition; such interest in such property shall be perfected, or perfection of such interest shall be maintained or continued, by giving notice within the time fixed by such law for such seizure or such commencement.

See 11 U.S.C. § 362; see also Village Nurseries v. Gould (In re Baldwin Builders), 232 B.R. 406, 410-11 (9th Cir. 1999); Village Nurseries v. Greenbaum, 101 Cal.App.4th 26, 41 (Cal. Ct. App. 2002).

8. Accordingly, Barnard hereby provides notice of its rights as a lienholder in the Property pursuant to California's mechanics lien law. Barnard is filing and serving this notice to perfect, preserve, maintain, and continue the perfection of its lien and its rights in the Property to

comply with the requirements of California state law, 11 U.S.C. §§ 362(a), 362(b)(3), and 546(b)(2), and any other applicable law. This notice constitutes the legal equivalent of having recorded a mechanics lien in the recorder's office for the county where the Property is located and then having commenced an action to foreclose the lien in the proper court. By this notice, the Debtors and other parties in interest are estopped from claiming that the lawsuit to enforce Barnard's mechanics lien was not timely commenced pursuant to applicable state law. Barnard intends to enforce its lien rights to the fullest extent permitted by applicable law. The interests, perfected, maintained, or continued by 11 U.S.C. § 546(b)(2) extend in and to the proceeds, products, offspring, rents, or profits of the Property.

- 9. The filing of this notice shall not be construed as an admission that such filing is required under the Bankruptcy Code, the California mechanics lien law, or any other applicable law. In addition, Barnard does not make any admission of fact or law, and Barnard asserts that its lien is senior to and effective against entities that may have acquired rights or interests in the Property previously.
- 10. The filing of this notice shall not be deemed to be a waiver of Barnard's right to seek relief from the automatic stay to foreclose its mechanics lien and/or a waiver of any other rights or defenses.
  - 11. Barnard reserves all rights, including the right to amend or supplement this notice.

Dated: April \_\_\_\_\_, 2019

WATT, TIEDER, HOFFAR & FITZGERALD, L.L.P.

By:

Jane G. Kearl (CA 156560) Colin C. Holley (CA 191999)

2040 Main Street, Suite 300

Irvine, CA 92614

Telephone: 949-852-6700

Facsimile: 949-261-0771 Email: jkearl@watttied

jkearl@watttieder.com cholley@watttieder.com

Attorneys for Creditor Barnard Pipeline, Inc.

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IRVINE

#### **CERTIFICATE OF SERVICE**

I hereby certify that on April \_\_\_\_\_,2019, I caused a copy of the foregoing Notice of Continued Perfection of Mechanics Lien Pursuant to 11 U.S.C. § 546(b)(2) to be sent via e-mail and/or first-class mail to the parties identified in the Master Core/2002 Service List attached hereto as Exhibit B.

Jane G. Kearl

WATT, TIEDER, HOFFAR & TZGERALD, LL.P. ATTORNEYS AT CASE: 19-30088 FITZGERALD, L.

Doc# 1399 Filed: 04/15/19 

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27	EXHIBIT A
28 Watt, Tieder, Hoffar &	NOTICE OF CONTINUED PERFECTION OF
FITZGERALD, LC ATTORNEYS AT LAW	

275-214
[Rev. 09/20/13]
PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

Barnard Pipeline, Inc.

#### WHEN RECORDED MAIL TO:

NAME: Watt, Tieder, Hoffar & Fitzgerald, LLP

ADDRESS: 2040 Main Street, Suite 300

CITY/STATE/ZIP: Irvine, CA 92614



Modoc County Recorder
Kristen DePaul, County Recorder
DOC - 20190000132

REQD BY Public Mail January 29, 2019 7:36 AM

Ttl Pd \$95.00 Rcpt #F20190000146

shagge/REC-CNTR-1801/1 - 4

THIS SPACE FOR RECORDER'S USE ONLY

### **DOCUMENT TITLE**

**MECHANICS' LIEN** 

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION (Govt. Code 27361.6) (additional recording fee applies)

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Recording requested by: Barnard Pipeline, Inc.

And when recorded mail this document to:

Jane G. Kearl, Esq. Robert C. Shaia, Esq. Watt, Tieder, Hoffar & Fitzgerald, LLP 2040 Main Street, Suite 300 Irvine, CA 92614

For recorder's use

# MECHANICS' LIEN (Cal. Civ. Code § 8416, et seq.)

1. BARNARD PIPELINE, INC. ("Claimant") claims a mechanics lien for the labor, services, equipment and/or materials described in paragraph 2, furnished for a work of improvement on that certain real property located in the County of Modoc, State of California, and more particularly described as:

All right, title and interest of Pacific Gas and Electric Company ("PG&E") at or near Lat: Lat: 41.765488, Long: -121.305320, and all appurtenances and easements related thereto, including specifically, without limitation, all PG&E's interest in all improvements, structures, and pipelines in or on which Claimant provided labor, services, equipment, and/or materials as set forth in paragraph 2.

- 2. After deducting all just credits and offsets, the sum of \$28,982.70, together with interest at the rate of 10% per annum from 1/21/19 is due Claimant for the following labor, services, equipment and/or materials for installation of cathodic test stations on high pressure natural gas lines, and related construction work performed under the Alliance Agreement between Claimant and PG&E, and the Construction Work Authorization No. C4626 for UID#s 401\_CIS\_12 401\_CIS\_16 401\_CIS\_221 401\_CIS\_222 401\_CIS\_36 401\_CIS\_38 401\_CIS\_405 CTS\_22161 CTS\_22164 CTS\_22166 CTS\_22167 CTS\_22168 CTS\_22169 CTS\_22172 CTS\_22173 CTS\_22174 CTS\_22175 CTS\_22176 CTS\_22177 CTS\_22178 CTS\_22179 CTS\_22180 CTS\_22183 CTS\_22184 CTS\_22185 CTS\_22186 CTS\_22191 CTS\_22200 CTS\_22210 CTS\_22212 CTS\_22215 CTS\_22274 CTS\_22276 CTS\_22278 CTS\_22280 CTS\_26821 CTS\_26823, or otherwise requested by PG&E.
- 3. Claimant furnished the labor, services, equipment and/or materials, at the request of: Pacific Gas and Electric Company.
- 4. The name and address of the owner(s) or reputed owner(s) of the real property is/are: PG&E, 77 Beale Street, 32<sup>nd</sup> Floor, San Francisco, CA 94105.

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5. Claimant's address is: 701 Gold Avenue, Bozeman, MT 59715.

Dated January 22, 2019

BARNARD PIPELINE, INC.

Zach Bowler, Vice Presiden

#### **VERIFICATION**

I, Zach Bowler, am the Vice President of Claimant on the foregoing Mechanics Lien and am authorized to make this verification for and on its behalf. I have read the foregoing Mechanics Lien and know the contents of the Mechanics Lien to be true of my own knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated Jonney 22, 2019

By: \_\_\_\_\_\_\_

#### NOTICE OF MECHANICS LIEN

#### **ATTENTION!**

Upon the recording of the enclosed MECHANICS LIEN with the county recorder's office of the county where the property is located, your property is subject to the filing of a legal action seeking a court-ordered foreclosure sale of the real property on which the lien has been recorded. That legal action must be filed with the court no later than 90 days after the date the mechanics lien is recorded.

The party identified in the enclosed mechanics lien may have provided labor or materials for improvements to your property and may not have been paid for these items. You are receiving this notice because it is a required step in filing a mechanics lien foreclosure action against your property. The foreclosure action will seek a sale of your property in order to pay for unpaid labor, materials, or improvements provided to your property. This may affect your ability to borrow against, refinance, or sell the property until the mechanics lien is released.

BECAUSE THE LIEN AFFECTS YOUR PROPERTY, YOU MAY WISH TO SPEAK WITH YOUR CONTRACTOR IMMEDIATELY, OR CONTACT AN ATTORNEY, OR FOR MORE INFORMATION ON MECHANICS LIENS GO TO THE CONTRACTORS STATE LICENSE BOARD WEB SITE AT www.cslb.ca.gov.

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#### PROOF OF SERVICE

I, Julie Benton, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is 2040 Main Street, Suite 300, Irvine, California 92614-6232.

On January 23, 2019, I served  $\square$  the originals  $\boxtimes$  true copies of the following document(s) described as MECHANICS LIEN and NOTICE OF MECHANICS' LIEN on the interested parties in this action, by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Irvine, California addressed as set forth below:

Pacific Gas & Electric Company (PG&E) 77 Beale Street, 32<sup>nd</sup> Floor San Francisco, CA 94105

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on January 23, 2019, at Irvine, California.

June Benton

WATT, TIEDER,
HOFFAR &
FITZGERALD, L.L.P.
ATTORNEYS AT LAW
IRVINE

PROOF OF SERVICE

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Countain for Mirna Trettevik, including other Fire Victin (But Claimants	ADLER LAW GROUP, APLC	Attn: E. Elliot Adler, Geoffrey E. Marr, Brittany S. Zummer	402 West Broadway	Suite 860	San Diego	3	92101	619-531-8700	619-342-9600	gemarr59@hotmail.com brummer@TheAdlerFirm.com
Counsel for Aera Energy LLC, Midway Sunset					100	ć	11000	1023-2567		RASymm@aeraenergy.com
Congany at lon Company	Aera Energy LLC	Attn: Ron A. Symm	10000 Ming Avenue 601 West Fifth Street, Suite		Bakerstield	5	95511	16/6-600-100		Mayrilli Waciaciaci Ex. Con
Counsel to TRANSWESTERN PIPELINE COMPANY, LLC	AKERMAN LLP	- 11	300		Los Angeles	ð	12006	213-688-9500	213-627-6342	evelina gentry@akerman.com
20		Attn: JOHN E. MITCHELL and YELENA	2001 Ross Avenue, Suite		Dallas	č	75201	214-720-4300	214-981-9339	yelena arcniyang akerman.com
Counsello the Ad Hoc Committee of Senior Unsecured	ANEDWICH LLF									
Noter of Pacific Gas and Electric Company	Akin Gump Strauss Hauer & Feld LLP	Attn: Ashley Vinson Crawford	580 California Street	Suite 1500	San Francisco	5	94104	415-765-9500	415-765-9501	avcrawtord@akingump.com
Counsered the Ad Hoc Committee of Senior Unsecured Notebolders of Parific Gas and Electric Company	Akin Gumo Strauss Hauer & Feld LLP	Attn: David P. Simonds	1999 Avenue of the Stars	Suite 600	Los Angeles	J	29006	310-229-1000	310-229-1001	dsimonds@akingump.com
										mstamer@akingump.com
Counselute the Ad Hoc Committee of Senior Unsecured Notes (Company Notes (Company)	Akin Gump Strauss Hauer & Feld LLP	Attn: Michael S, Stamer, Ira S. Dizengoff, David H. Botter	One Bryant Park		New York	ΝΥ	10036	212-872-1000	212-872-1002	idizengoff@akingump.com dbotter@akingump.com
										shiggins evandrews thornton com
# Counsel to Agaianian, Inc.	ANDREWS & THORNTON	Attn: Anne Andrews, Sean T. Higgins, and John C. Thornton	4701 Von Karman Ave	Suite 300	Newport Beach	ర	92660	949-748-1000	949-315-3540	as@andrewsthornton.com
Counged to BOKF, NA, solely in its capacity as	DELECTION AND CONTRACTOR AND CONTRAC	Attn: Andrew I. Silfen, Beth M.		ī	2	3	0,000	0.02.484.3000	012-484-3990	Beth.Brownstein@arentfox.com Jordana.Renert@arentfox.com
e Trustee	ARENT FOX LLP	Brownstein, Jordana L. Renert	Americas	42nd Floor	New YORK	I N	crons	2000 104 717		andy.kong@arentfox.com
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The control of the co		Attn: XAVIER BECERRA, MARGARITA	1515 Clay Street 20th Floor	P.O. Box 70550	Oakland	ర	94612-0550	510-879-0815	510-622-2270	James Potter@doj.ca.gov Margarita Padilla@doj.ca.gov
	Amounted Control of California	Attn: XAVIER BECERRA, MARGARITA	300 South Spring Street	Suite 1702	Los Angeles	5	90013	213-269-6326	213-897-2802	James Potter@doj.ca.gov
Special Bankruptcy Counsel for Certain Fire Damage	BALL SY AND SOMESO I AM FIRM	ATT: MARTHA F ROMERO	12518 Beverly Boulevard		Whittier	క	90601	562-889-0182		marthaeromerolaw@gmail.com
Proposed Course for Official Committee of Tort	SALLET AND ACHIERO DAY TIME				-	·	0000	210.442.8875	410-820-8859	esagerman@bakerlaw.com
5	BAKER & HOSTETLER, LLP	Attn: Eric E. Sagerman, Lauren T. Attard	11601 Wilshire Blvd.	Suite 1400	Los Angeles	5	50075-02005	2000 344 072		rjulian@bakerlaw.com
Proposed Counsel for Official Committee of Fort	BAKER & HOSTETLER, LLP	Attn: Robert A. Julian, Cecily A. Dumas	1160 Battery Street	Suite 100	San Francisco	ð	94111	415-542-8730		cdumas@bakerlaw.com Luckey.Mcdowell@BakerBotts.com
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for Realty Income Corp., Counsel for		Attn: Craig Solomon Ganz, Michael S.				ļ	1 4000			ganzc@ballardspahr.com
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UKENCO Limited and Louisiana Energy Services, LLC	Bank of America	Atto: John McCucker	Mail Code: NY1-100-21-01	One Bryant Park	New York	NY	10036	646-855-2464		
Counce of the Control of the Counce of the C			3102 Oak Lawn Avenue		Salla	2	25219	214-521-3605		ssummy@baronbudd.com lifiske@baronbudd.com
Public Phities impacted by the Wildfires	Baron & Budd, P.C.	Attn: Terry L. Higham, Thomas E.	350 South Grand Avenue,							-
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Counsel for Dan Clarke	BELVEDERE LEGAL, PC BENESCH, FRIEDLANDER, COPLAN & ARONOFF	Attn: Matthew D. Metzger  FF Attn: Kevin M. Capuzzi, Michael J.	1/// Borel Place	Suite 514	Contract tipe	5	701.0			-
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Courisel for Subrogation Insurers	Render Kahn, a law Corporation	Attn: Crare 5. Simon	The state of the s				100	20001-01-01-01-01-01-01-01-01-01-01-01-01	7	

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creditor everett Freeman Waining, Jr.	BRAYTON-PURCELL LLP	Letsch, Esq.	222 Rush Landing Road	P.O. Box 6169	Novato	3	94948-6169	415-898-1555	415-898-1247	bletsch@braytonlaw.com
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Frase Enterprises, Inc. dba Kortick		200	3000	017 0410	Can Eranciesa	į,	94104	415-997-8940	415-992-8915	
Manuta Company	Brunetti Kouljean LLP	Attn: Gregory A. Rougeau	מוסנונקסווופול פונפפר	South with	Sen Frenchis	5	LOTE C			schristianson@buchalter.com
Counsel for Oracle America Inc.	Buchalter A Professional Corporation	Christianson	55 Second Street	17th Floor	San Francisco	g	94105-3493	415-227-0900	415-227-0770	
a Public Utilities Commission	California Public Utilities Commission	Attn: Arocles Aguilar	505 Van Ness Avenue		San Francisco	গ্ৰ	94102	415-703-2015	415-703-2262	
Counselve Chevron Products Company, a division of	CHEVRON PRODUCTS COMPANY, A DIVISION OF CHEVRON LISA, INC.	Attn: Melanie Cruz. M. Armstrong	6001 Bollinger Canyon Road 72110	72110	San Ramon	3	94583			melaniecruz@chevron.com marmstrong@chevron.com
Interested Party California Community Choice	Over & Transhick	Attn: Kimberly S Winick	800 Wishire Boulevard	12th Floor	Los Angeles	ঠ	90017	213-629-5700	213-624-9441	kwinick@clarktrev.com
Council at I froumnoe America, Int, Albertsons Compelies, Inc., Safeway Inc., Catin Specialty Strange, Company, David W. Maeth, Rhonda J. Maeth, Zerr Surplus Lines Insurance Company, Chulb Custom Insurance Company, General Security indemnity Company of Arizona (SSINDA), Markel					To your	5	A 1300	946-260-3100	949-760-3190	mocodin@clausen.com
Bermuder Imited, Ashford Inc., Ashford Hospitality	Clausen Miller P.C.	Attn. Michael W. Goodin Attn. Lica Schweitzer Margaret	TOOT YOU VEHILLIAN AVENUE	onic con		S				
Counsembr BlueMountain Capital Management, LLC	Cleary Gottlieb Sheen & Hamilton LLP	Schierberl	One Liberty Plaza		New York	NY	10006	212-255-2000	212-225-3999	mschierberl@cggsh,com
Counsettor Office of Unemployment Compensation Tax Services	Commonwealth of Pennsylvania	Department of Labor and Industry	Collections Support Unit	651 Boas Street, Room 702		P.	17171	717-787-7627	117-787-717	ra-li-ucts-bankrupt@state.pa.us
Counsetty Gowan Construction Company Inc., Calword Telephone Company, Kerman Telephone Co., Pinacles Telephone Co., The Onderosa Copping Co., Stera Telephone Conpany, Inc., Co., Stera Telephone Co., The Condition Co., The Co., Stera Telephone Co., Stera Telepho	Wiking & Connet II B	Arres Dorber C Californ	201 California Street, 17th Floor		San Francisco	ే	94111	415-433-1900	415-433-5530	.pcalifano@cwclaw.com
/19 20		Attn: Dario de Ghetaldi, Amanda L. Riddle, Steven M. Berki, Sumble				ζ.	0390 05000	750.027	850-871-4144	
Counsel for Fire Victim Creditors Individual Plaintiffs Executive Committee appointed by	COREY, LUZAICH, DE GHETALDI & RIDDLE LIP	Manzoor	700 El Camino Keal	PU Box 669	MIIIDrae	5	6000-000-6	000000000000000000000000000000000000000		1
the California Superior Court in the North Bay Fire Cases, Jobinson Superior Coordination Proceeding Institute (1955, Pursuant to the terms of the Court's Case Management Order No. 1	Cotchett, Pitre & Mccarthy, LLP	Attn: Frank M. Pitre, Alison E. Cordova, Abigall D. Blodgett	San Francisco Airport Office Center		Burlingame	<b>క</b>	94010	650-697-6000	650-697-0577	fpitre@cpmlegal.com acordova@cpmlegal.com ablodgett@cpmlegal.com
				575 Administration						Tamber corele Scoopers and pre-
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